

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREAT LAKES EXPLORATION
GROUP LLC,

Plaintiff,

File No. 1:04-CV-375

v.

HON. ROBERT HOLMES BELL

THE UNIDENTIFIED, WRECKED, and
(FOR SALVAGE-RIGHT PURPOSES),
ABANDONED SAILING VESSEL, her
tackle, apparel, appurtenances, cargo, etc.
located within a circle having a radius of 3.5
statute miles, whose center point is at
coordinates 45° 32.8' North latitude and
86° 41.5' West longitude, In Rem

Defendant,

v.

MICHIGAN DEPARTMENT OF HISTORY,
ARTS AND LIBRARIES AND MICHIGAN
DEPARTMENT OF ENVIRONMENTAL
QUALITY,

Intervenors.

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on Plaintiff's motion for protective order. In the Court's May 10, 2005, Order denying Intervenors' motion for a more definite statement pursuant to FED. R. CIV. P. SUPPL. E(2), the Court stated that the denial was predicated upon

Plaintiff's compliance with Intervenor's request for documents and exhibits and the precise location of Defendant. In order to ensure the prompt disclosure of the information as well as maintaining the necessary confidentiality of Defendant's location, Plaintiff is seeking a protective order. Unfortunately, the parties have been unable to agree on the form and scope of the protective order. Plaintiff and Intervenor have each submitted a proposed protective order.

The Court has reviewed both proposed protective orders and will adopt Intervenor's proposed order with only slight modifications. The protective order submitted by Plaintiff is unnecessarily overbroad and attempts to assess a liquidated damages penalty against the intervening state agency in the event of disclosure. In contrast, Intervenor's protective order permits disclosure of Defendant's location and other materials and information related to Defendant, while maintaining strict confidentiality.

The Court has modified the protective order to include a clause establishing that it is the responsibility of the Attorney General to keep a record identifying all documents and materials "filed under seal" disclosed to other authorized persons. In addition, the Attorney General will be responsible for keeping a record identifying all persons to whom documents and materials have been disclosed.

Date: July 13, 2005

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE